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Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Working Group of the Parties

Sixth meeting
Geneva, 9 November 2018
Item 6 of the provisional agenda
Development of the Protocol

Development of the Protocol on Pollutant Release and Transfer Registers

Note by the Bureau

Summary

The present document outlines the Bureau's considerations regarding the outcomes of the review of progress in implementing the Strategic Plan for 2015–2020 (Decision II/2 on the strategic plan for 2015–2020 for the Protocol on Pollutant Release and Transfer Registers (ECE/MP.PRTR/2014/4/Add.1)), the potential need for a future strategic plan and the added value and resource implications of an evaluation of the success of the Protocol. It also includes the Bureau's proposal regarding potential activities in order to promote the development of the Protocol. The document was prepared by the Bureau under the Protocol, with the assistance of the secretariat, as requested by the Meeting of the Parties to the Protocol at its third session in 2017 (see ECE/MP.PRTR/2017/6, para. 43).

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Introduction

1. At its third session (Budva, Montenegro, 15 September 2017), the Meeting of the Parties to the Protocol requested the secretariat to organize a survey among Parties in order to collect information on progress in implementing the strategic plan for 2015–2020[1] that had not been provided through the national implementation reports; mandated the Bureau and the Working Group of the Parties to address in more detail the issue that Parties set priorities in different ways in terms of the implementation of the strategic plan, as identified by the Compliance Committee; mandated the Bureau and the Working Group, taking into account the outcome of the survey, to further look into the focal areas of the strategic plan to identify where further action was needed to successfully implement the targets of the strategic plan; requested the Bureau and the Working Group to prepare a possible future strategic plan for the period of 2021–2029, taking into account the overview of progress in implementing the strategic plan for 2015–2020 and the outcome of the survey and related work; and requested the Bureau to consider the added value and resource implications of a possible evaluation of the success of the Protocol and the development of relevant indicators referred to in the annex to the report of the Compliance Committee's fifth meeting (ECE/MP.PRTR/C.1/2017/2, annex) and, if appropriate, present a detailed proposal, for consideration by the Working Group at its next meeting (ECE/MP.PRTR/2017/6, para. 43). The present document was prepared under these mandates.

I. Considerations by the Bureau

2. At its thirteenth meeting (Gothenburg, 23–24 May 2018),[2] the Bureau considered outcomes of the review of progress in implementing the Strategic Plan for 2015–2020 with a focus on the opportunities and challenges encountered. It also examined the added value and resource implications of an evaluation of the success of the Protocol and the potential need for a future strategic plan, noting that such a plan should address recent trends in the development of pollutant release and transfer registers (PRTRs) and take the status of implementation of the current plan into account and therefore could only be finalized once the current plan expired in 2020.

3. With regard to the possible evaluation of the success of the Protocol, the Bureau noted that there was a risk of duplication of work between the concurrent development of the Protocol (focal area III of the strategic plan) and its evaluation. It decided that it would be premature to submit to the Working Group of the Parties at its sixth meeting a proposal for evaluating the success of the Protocol and that priority should be given to work related to the development of the Protocol.

4. In light of the lessons learned from implementation of the current strategic plan, the Bureau noted that any new proposals for action by Parties should:

[1] Decision II/2 on the strategic plan for 2015–2020 for the Protocol on Pollutant Release and Transfer Registers (ECE/MP.PRTR/2014/4/Add.1)

[2] The report of the thirteenth meeting of the Bureau is available at https://www.unece.org/fileadmin/DAM/env/pp/PRTR%20Bureau/Report_PRTR-Bureau-13th_meeting.pdf.

(a) Seek to avoid duplication and minimize the potential for confusion with official documents developed under the Protocol[3] and documents on the implementation of PRTRs prepared in other relevant forums;[4]

(b) Be cost-efficient and have a strong impact on relevant decision-making processes in the medium and long terms;

(c) Ensure a coordinated, structured and binding approach to the Protocol's implementation across Parties.

5. In that regard, the Bureau concluded that neither a stand-alone evaluation of the Protocol nor the development of a possible future strategic plan would provide an effective means of overcoming the major challenges identified by Parties through their national implementation reports and survey responses. Instead, it decided to propose the voluntary and mandatory measures outlined in the following section, which could be applied simultaneously as to address the key challenges.

II. Process going forward

6. The Protocol is a unique legally binding international instrument that provides a solid framework for managing data on pollutant releases and transfers from various sources in a transparent manner. A number of other multilateral environmental agreements (MEAs) and national reporting systems already use PRTRs for reporting data in accordance with their requirements. To ensure that the Protocol continues to respond adequately to recent developments and plays an effective role in managing the data that ensures a more harmonized approach to reporting under a number of national and international instruments, including other relevant MEAs, its substantive scope and the interpretation of its provisions need to take those requirements into account. In addition, it will be important to promote links between relevant activities at the national and international levels and harmonize them with efforts to achieve the Sustainable Development Goals.

7. There are several possible options for voluntary and mandatory activities that address these issues. With regard to voluntary activities, the Bureau agreed to give priority to an exchange of experience among Parties and stakeholders through an online platform. It also considered that amending the Protocol would be the most effective means of making its implementation mandatory and ensuring the comparability of Parties' progress in implementing it. This approach will allow relevant recent developments to be addressed in

[3] For example, the Maastricht Declaration: Transparency as a driving force for environmental democracy (ECE/MP.PP/2014/27/Add.1-ECE/MP.PRTR/2014/2/Add.1); the Budva Declaration on Environmental Democracy for Our Sustainable Future (ECE/MP.PP/2017/16/Add.1-ECE/MP.PRTR/2017/2/Add.1); Your Right to Build a Sustainable Future: the Aarhus Convention, its Protocol on PRTRs and the Sustainable Development Goals (ECE/MP.PP/2017/18-ECE/MP.PRTR/2017/4); Systemic issues concerning the implementation of the Protocol on Pollutant Release and Transfer Registers and recommendations on how to address them (ECE/MP.PRTR/2017/6/Add.2); Synthesis report on the implementation of the Protocol and overview of progress in implementing the strategic plan for 2015–2020 (ECE/MP.PRTR/2017/10); and Guidance on Implementation of the Protocol on Pollutant Release and Transfer Registers (available in English, French, Russian and Spanish at https://www.unece.org/env/pp/prtr.guidancedev.html).

[4] Including, among others, the Organisation for Economic Co-operation and Development (OECD), the relevant United Nations Environment Programme (UNEP) and the United Nations Institute for Training and Research (UNITAR).

a structured manner, set equal standards for implementation across Parties and facilitate the appropriate allocation of resources for implementation at the national level.

An online platform for PRTR-related actions

8. The strategic plan (para. 11) states that "Parties should play an important role in the implementation of the Protocol through the channelling of information, coordinating and/or organizing activities, motivating important target groups and monitoring implementation". To that end, Parties and stakeholders can develop jointly a list of actions aimed at supporting implementation of the Protocol in the following five pillars of work:[5]

(a) Integration at the national level;

(b) Harmonization at the international level;

(c) Awareness and ease of access and use;

(d) Scope of the Protocol;

(e) Data (including its reporting, management and quality).

9. This list may be revised periodically as needed. Parties and stakeholders can report voluntarily, e.g. through PRTR.net, on actions that they have implemented or plan to implement. The online platform would record and sort data on implementation activities using common criteria in order to provide a platform for the coordinated, efficient exchange of experience in implementing the Protocol; its development and management could also take into account experience and lessons learned from the capacity-building database[6], the Batumi Action for Cleaner Air (BACA) framework[7] and other similar initiatives.

Amendment of the Protocol

10. Article 6, paragraph 2, of the Protocol states, "Having assessed the experience gained from the development of national pollutant release and transfer registers and the implementation of the Protocol, and taking into account relevant international processes, the Meeting of the Parties shall review the reporting requirements under this Protocol and shall consider [a number of] issues in its further development". Focal area III of the strategic plan (Development of the Protocol) envisages improvements in annexes I and II to the Protocol, including the potential development of a procedure for placing the lists of substances and activities and other relevant information under constant review and for dealing with various developments (e.g. specific requirements for releases from diffuse sources and additional information on, among other things, raw materials and chemicals, production capacity and volume, and energy and water consumption).

11. In light of the foregoing, an amendment to the Protocol might address gaps in the current text of the Protocol, set priorities for future work within its framework and emphasize unique features such as its importance in regulating the collection and management of, and ensuring easy access to, information. To that end, an overview of developments under other relevant international agreements and initiatives (e.g. the Convention on Long-Range Transboundary Air Pollution, the Stockholm Convention on

[5] See also para. 12 of the Progress in implementing the strategic plan for 2015–2020 (ECE/MP.PRTR/WG.1/2018/5). For a list of possible specific actions that could further the implementation of the Protocol and the strategic plan for 2015–2020 see PRTR/WG.1/2018/Inf.3.

[6] https://apps.unece.org/ehlm/pp/NIR/RLsearch.asp.

[7] See https://www.unece.org/environmental-policy/environment-for-europe/initiatives/baca.html.

Persistent Organic Pollutants, the Minamata Convention on Mercury and the United Nations Framework Convention on Climate Change), relevant developments in Parties and other countries, work related to the 2030 Agenda for Sustainable Development and initiatives in connection with the circular economy might be prepared. It will be also important to update the Guidance on Implementation of the Protocol in due course in order to clarify or supplement the Protocol's provisions where needed.

12. Therefore, pursuant to the article 6 para. 2, of the Protocol, the strategic plan for 2015–2020 and relevant developments at the national and international levels, the Bureau decided to ask the Working Group of the Parties at its sixth meeting to:

(a) Request the Bureau, with the support of the Compliance Committee, to review annexes I and II to the Protocol and prepare a draft proposal for amendments to the annexes, taking into consideration other relevant official documents developed under the auspices of the Protocol (see para 4 (a) above) and recent developments in relevant international processes, with a view to open-ended consultations among Parties and stakeholders and possible adoption by the Meeting of the Parties in 2021;

(b) Recommend that at its fourth session in 2021, the Meeting of the Parties establish a dedicated task force under the auspices of the Working Group of the Parties to consider the possible amendment of other provisions of the Protocol;

(c) Request the Bureau, with the support of the Compliance Committee, to begin preparatory work by identifying gaps and examples of imprecise wording in the other provisions of the Protocol, prior to the fourth session, as a basis for possible amendment of the Protocol and/or revision of the Guidance on Implementation of the Protocol.

13. The procedures for amending annexes are set out in article 20 of the Protocol and are different from those that apply to the amendment of its other provisions.